

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, October 18, 2011, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Alderman Michael McIntire

Vice Mayor Tom C. Parham

Alderman Tom Segelhorst

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Ms. Stella Robinette's class.
- II.B. **INVOCATION:** By Donna Hester, Pastor – Ketron Memorial United Methodist Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent - Alderman Benjamin K. Mallicote.
- IV. **RECOGNITIONS AND PRESENTATIONS.**
 - 1. Recognition AGC for their Donation to the Bay's Mountain Herpetarium – Lorrie Cooper, AGC. Mayor Phillips and Assistant to the City Manager Chris McCartt expressed their appreciation for the donation of hurricane glass which will allow the Herpetarium to be open whenever the park is.
 - 2. KingsportARTS – Tina Radtke. Mayor Phillips commented on the art work located on the first floor of City Hall.
 - 3. Keep Kingsport Beautiful Beautification Awards – Robin Cleary.

V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Joh, to approve minutes for the following meetings:

A. September 22, 2011 Regular Work Session

B. September 23, 2011 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

1. Public Hearing and Consideration of Ordinances to Amend Zoning of a Portion of Parcel 25.00 in Tax Map 77-A Located on Bradley Street from TA Zoning to P-1 Zoning (AF: 252-2011). Planning Manager Lynn Tully provided details on this and the following item, noting the Planning Commission had sent a favorable recommendation to the Board in support of both items.

PUBLIC COMMENT ON ITEM VI.AA.1. None.

Motion/Second: McIntire/Shupe, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO FT. HENRY DRIVE AND BRADLEY STREET FROM TA, TOURIST ACCOMMODATION DISTRICT TO P-1, PROFESSIONAL OFFICE DISTRICT IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Public Hearing and Consideration of Ordinances to Amend Zoning of Parcels 14.00 and 15.00 in Tax Map 77-I Located on Wesley Road and Ft. Henry Drive from M-1R Zoning to P-1 Zoning (AF: 253-2011). See item VI.AA.1. Ms. Tully also stated this was more compatible with the surrounding use. She did note there was one existing business that would fall under non-conforming use unless it ceased to operate for 30 consecutive months.

PUBLIC COMMENT ON ITEM VI.AA.2. Mr. William Cook, 120 Beechwood Court, stated that he was at the Planning Commission meeting and was concerned the owners of the existing business did not understand the zoning change. City Manager Campbell stated he had visited the site over two weeks ago at the owner's request and clarified some concerns he had. Mayor Phillips stated that someone would talk to him again before the second reading.

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO WESLEY ROAD AND FT. HENRY DRIVE FROM M-1R, RESTRICTED INDUSTRIAL DISTRICT TO P-1, PROFESSIONAL OFFICE DISTRICT IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

3. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 5 Part A Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 262-2011). City Planner Ken Weems provided details on the next four items, noting the Planning Commission sent a positive recommendation in favor of these annexations.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

PUBLIC COMMENT ON ITEM VI.AA.3. Mr. Bob Evans, 117 Sylvan Drive, asked some general questions regarding the effective annexation date and commencement of city services. Public Works Director Ryan McReynolds provided this information.

Note: While Mr. Brother was signing the roster sheet, Mayor Phillips recognized Boy Scout John Davis from Troop 48 who was attending the meeting with his father.

James Brotherton, 204 Patrick Henry Circle, requested that farmland be removed from the annexation area.

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 5 PART A ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/Segelhorst, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG EDMOND CIRCLE, GROVE DRIVE, SYLVAN DRIVE, AND LEBANON ROAD TO R-1B, RESIDENTIAL DISTRICT, AND R-3, LOW DENSITY APARTMENT DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Joh, to pass:

Resolution No. 2012-065, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR COLONIAL HEIGHTS AREA 5 PART A ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

4. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 5 Part B Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 263-2011).

PUBLIC COMMENT ON ITEM VI.AA.4. Mr. Randall Speers, 312 Meadow Lane, voiced his concern on the sewer installation. Mr. McReynolds addressed this issue.

Motion/Second: McIntire/Shupe, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT,

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 5 PART B ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Segelhorst/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG MEADOW LANE, WHITE OAK LANE, OAK COURT, AND LINDKAYE DRIVE TO R-1B, RESIDENTIAL DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Segelhorst/Joh, to pass:

Resolution No. 2012-066, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE COLONIAL HEIGHTS AREA 5 PART B ANNEXATION OF THE CITY OF KINGSFORT, TENNESSEE

Passed: All present voting "aye."

5. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Colonial Heights Area 5 Part C Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 264-2011).

PUBLIC COMMENT ON ITEM VI.AA.5. Mr. Bill Cook, 120 Beechwood Court, stated that many in this area are opposed to the annexation for various reasons. Alderman Joh pointed out that many years ago, Colonial Heights residents signed a petition to come into the city, however, Kingsport was not in a position to annex at that time.

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 5 PART C ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG COLONIAL VIEW DRIVE, BEECHWOOD COURT, BEECHWOOD DRIVE, AND EDGEWOOD CIRCLE TO R-1B, RESIDENTIAL DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE
OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Parham/Shupe, to pass:

**Resolution No. 2012-067, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR
THE COLONIAL HEIGHTS AREA 5 PART C ANNEXATION OF THE CITY OF
KINGSPORT, TENNESSEE**

Passed: All present voting "aye."

**6. Public Hearing and Consideration of Ordinances to
Annex/Amend Zoning of the Colonial Heights Area 5 Part D Annexation and
Consideration of a Resolution Adopting the Plan of Services (AF: 265-2011).**

PUBLIC COMMENT ON ITEM VI.AA.6. Mr. John Bellamy, 746 Foothills Road, stated
he was in opposition of the annexation and commented on the water bills.

Mayor Phillips stated the Board does care what the people say and further stated his
appreciation for the professionalism from those who addressed the Board. He pointed
out that the Board would be acting on the recommendation of the Planning Commission,
noting there would need to be a good reason to do otherwise. The Mayor stated that he
hopes the Board can earn the respect of those who are in opposition of the annexation.

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE
PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT,
EMBRACING THAT CERTAIN PART OF THE 13th and 14th CIVIL DISTRICTS OF
SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS
AREA 5 PART D ANNEXATION, AS HEREINAFTER DESCRIBED; TO
INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY
OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS
ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO
ZONE PROPERTY ALONG BEECHWOOD DRIVE AND FOOTHILLS ROAD TO R-1B,
RESIDENTIAL DISTRICT IN THE 13th AND 14th CIVIL DISTRICTS OF SULLIVAN
COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO
FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2012-068, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE COLONIAL HEIGHTS AREA 5 PART D ANNEXATION OF THE CITY OF KINGSFORT, TENNESSEE

Passed: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items.

Ms. Barbara Brown commented on the water quality report as well as County services. She also invited everyone to the downtown "Trunk or Treat" event on October 29th.

Mr. Kent Harris, 216 Lebanon Road, commented on representation on the Board from Colonial Heights. Alderman Joh explained the election was not based on districts and encouraged someone from the area to run for Alderman. Mr. Harris also commented on the transferring of police, fire and medical calls from the city to the county. Mayor Phillips advised that issue was currently being addressed.

There being no one else coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Donations (AF: 272-2011).

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BY APPROPRIATING FUNDS RECEIVED FROM GRANTS AND DONATIONS FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of a Budget Ordinance Appropriating a Fee in Lieu of Construction for Sidewalks from Darden Restaurants (LongHorn Steakhouse) (AF: 268-2011). City Manager Campbell commented the Board made it clear at the work session yesterday that the money would be going into the pot for sidewalks on Stone Drive.

Motion/Second: Joh/McIntire, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM DARDEN RESTAURANTS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

3. Consideration of an Ordinance to Appropriate Grant Funds Approved by the Department of Justice, Justice Assistance Grant Program (JAG) in the Amount of \$30,687.00 for the Purchase of Equipment and Technology (AF: 277-2011). City Manager Campbell noted this money would be used to purchase in-car cameras which have proven very useful.

Motion/Second: Segelhorst/Parham, to pass:

AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

4. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Enter Into a Materials Agreement with Danny Karst Related to Edinburgh Phase 2 Section 2B and an Ordinance to Appropriate the Funds (AF: 279-2011). City Manager Campbell pointed out that so far 700 lots have been developed, 79 certificates of occupancy issued and 15 to 20 houses are under construction.

Motion/Second: Shupe/Segelhorst, to pass:

Resolution No. 2012-069, A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MATERIALS AGREEMENT WITH DANNY KARST RELATED TO EDINBURG PHASE 2 SECTION 2B AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Motion/Second: Shupe/Parham, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY TRANSFERRING FUNDS TO THE EDINBURGH PHASE 2 SECTION 2B MATERIALS AGREEMENT PROJECTS (WA1275 AND SW1275); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

5. Consideration of an Ordinance to Amend FY12 General Purpose School Fund Budget and the General Projects Fund Budget (AF: 282-2011).

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECTS FUND BUDGETS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

6. Consideration of an Ordinance to Appropriate Additional Funds Received from the Area Agency on Aging and Disability Grant (AF: 274-2011).

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING ADDITIONAL FUNDS RECEIVED FROM THE AREA AGENCY ON AGING AND DISABILITY GRANT FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

7. Consideration of an Ordinance to Transfer Funds from Cleek Road and Harbor Chapel Road to Fordtown Road, Sullivan and Clinchfield Street and Bays Mountain Park Road (AF: 273-2011). City Manager Campbell noted the Cleek Road and Harbor Chapel Road projects would not be ready until spring while there was an immediate need to provide a match that the state requires for Fordtown Road. He further stated a permanent solution was needed for Bays Mountain Park Road which has been patched for years. Mayor Phillips asked about the provisions to repair roads in an emergency situation. Public Works Director Ryan McReynolds confirmed if damage was catastrophic, the work could be done and the contract could be fixed at a later date.

Motion/Second: Segelhorst/Parham, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY TRANSFERRING FUNDS FOR ROAD PROJECTS FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

8. Consideration of an Ordinance to Amend the Kingsport Code of Ordinances Chapter 106, Utilities for Stormwater Management, Establishing the Function of the Utility, Creating an Enterprise Fund and Method of Funding for the Utility (AF: 285-2011). Public Works Director Ryan McReynolds provided details on this item, stating we are now being held responsible for contaminated water and runoff that impairs lakes and streams as well as other urban issues that are within our control. He further explained that the ordinance legally creates the fund, and a follow up resolution will set the fees. He also provided a background and timeline on the storm water issue as well as discussed the qualifications, progress and recommendations of the Stormwater Advisory Committee. Mayor Phillips suggested sending a letter with the water bills to help people understand why there is a new utility. The Mayor also recommended utilizing the news media, television and Channel 16. Mayor Phillips clarified that tonight the Board is only voting on establishing the function of the utility and that no rates were being set.

Motion/Second: Parham/McIntire, to pass:

AN ORDINANCE TO AMEND THE KINGSFORT CODE OF ORDINANCES CHAPTER

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

106, UTILITIES TO ESTABLISH A UTILITY FOR STORMWATER MANAGEMENT; TO ESTABLISH THE FUNCTION OF THE UTILITY; TO CREATE AN ENTERPRISE FUND AND METHOD OF FUNDING FOR THE UTILITY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.

D. OTHER BUSINESS.

1. Consideration of a Resolution Awarding the Bid for the Purchase of Various Water and Sewer Maintenance Items to Southern Pipe & Supply, Consolidated Pipe & Supply and Hayes Pipe Supply (AF: 261-2011).

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2012-070, A RESOLUTION AWARDING THE BID FOR PURCHASE OF VARIOUS WATER AND SEWER MAINTENANCE ITEMS TO SOUTHERN PIPE & SUPPLY, CONSOLIDATED PIPE & SUPPLY AND HAYES PIPE SUPPLY AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

2. Consideration of a Resolution Amending the Purchase Agreement for Real Property with Diane Clayton to Extend the Closing Date and Authorizing to the Mayor to Execute the Same (AF: 266-2011).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2012-071, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT FOR THE SALE AND PURCHASE OF REAL ESTATE WITH DIANE L. CLAYTON AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

3. Consideration of a Resolution Authorizing the Mayor to Execute All Necessary and Proper Documents to Renew the Agreement with United Healthcare for Medicare Advantage Insurance (AF: 267-2011).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2012-072, A RESOLUTION RENEWING THE AGREEMENT WITH UNITED HEALTHCARE FOR MEDICARE REPLACEMENT INSURANCE AND AUTHORIZING THE MAYOR TO EXECUTE AND SIGN ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

4. Consideration of a Resolution Authorizing Application for Annual MPO Grant Funds and Execution of Contract Between the Virginia Department of Rail and Public Transportation and the City of Kingsport on Behalf of the Kingsport MPO for Fiscal Year 2012 Federal Transit Administration Section 5303 Planning Funds (AF: 269-2011).

Motion/Second: Segelhorst/Parham, to pass:

Resolution No. 2012-073, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION GRANT FUNDS UNDER THE FEDERAL TRANSIT ADMINISTRATION SECTION 5303 PROGRAM FOR FISCAL YEAR 2012

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper to Apply for and Receive Arts Project Grant from the Kingsport Community Foundation (AF: 271-2011). City Manager Campbell noted this would be used primarily for the carousel rounding boards.

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2012-074, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN ARTS PROJECT GRANT FROM THE KINGSFORT COMMUNITY FOUNDATION FOR THE CAROUSEL PROJECT

Passed: All present voting "aye."

6. Consideration Authorizing the Mayor to Sign All Documents Necessary to Receive a Recreational Trails Grant from the Tennessee Department of Environment and Conservation for Trail Amenities on the Greenbelt Along the Buffalo Grasslands Section (North Eastman Road to John B. Dennis) (AF: 281-2011). City Manager Campbell stated this was a \$120,000 grant with a \$30,000 match.

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2012-075, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A RECREATIONAL TRAILS GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR THE GREENBELT PROJECT

Passed: All present voting "aye."

7. Consideration of a Resolution Authorizing the Mayor to Sign All Applicable Documents Necessary and Proper to Enter into a Guaranteed Maximum Price Contract with Denark Construction for the Construction of the

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

Kingsport Aquatic Center (AF: 280-2011). City Manager Campbell stated the guaranteed maximum price was not to exceed \$15,680,000.

Motion/Second: Joh/Parham, to pass:

Resolution No. 2012-076, A RESOLUTION AWARDED A REQUEST FOR PROPOSAL/INVITATION TO BID FOR A GUARANTEED MAXIMUM PRICE TO DENARK CONSTRUCTION AS CONSTRUCTION MANAGER/GENERAL CONTRACTOR FOR CONSTRUCTION OF THE KINGSFORT AQUATICS CENTER AND AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS WITH DENARK CONSTRUCTION, NECESSARY AND PROPER, FOR SUCH

Passed: All present voting "aye."

8. Consideration of a Resolution Authorizing Settlement of a Condemnation Action (AF: 278-2011). City Manager Campbell commented this was an old case involving a sewer line easement. City Attorney Billingsley confirmed it would be cheaper to resolve this way, as a defending a court case could cost more.

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2012-077, A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION CASE AND AUTHORIZING THE CITY ATTORNEY TO ENTER AN ORDER REGARDING THE SAME

Passed: All present voting "aye."

9. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the KEDB (AF: 286-2011).

Motion/Second: Segelhorst/Joh, to pass:

Resolution No. 2012-078, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT, TENNESSEE AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFUCTATE THE PURPOSE OF THE LEASE AND THE AGREEMENT

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS. None.

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: McIntire/Segelhorst, to adopt:

1. Consideration of an Ordinance to Amend the Health Insurance Fund (AF: 250-2011).

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

Adopt:

Ordinance No. 6126, AN ORDINANCE TO AMEND THE HEALTH INSURANCE FUND FOR FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

2. Consideration of an Ordinance to Appropriate Additional Funds to KEDB Façade and Redevelopment Funds and Authorize the City Manager to Expend Such Funds, as Needed (AF: 255-2011).

Adopt:

Ordinance No. 6127, AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY TRANSFERRING FUNDS FROM THE GENERAL FUND OPERATING BUDGET TO FUND THE FAÇADE IMPROVEMENTS AND REDEVELOPMENT PROGRAM FOR THE YEAR ENDING JUNE 30, 2012; TO AUTHORIZE A PAYMENT UP TO THE AMOUNT APPROPRIATED TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT FOR SUCH USE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

3. Consideration of an Ordinance Appropriating Funds from the General Fund Undesignated Fund Balance to the Aquatic Center Phase II (AF: 251-2011).

Adopt:

Ordinance No. 6128, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING FUNDS FROM THE GENERAL FUND-FUND BALANCE TO THE AQUATIC CENTER BUDGET FOR PHASE II FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

4. Consideration of a Resolution Approving an Addendum to an Agreement with SunGard Public Sector, Inc. Providing for a No-Cost Upgrade to Existing Software and a Change in the Associated Maintenance Fee for Said Software Used to Process the City's Credit/Debit Card Transactions (AF: 270-2011).

Approve:

Resolution No. 2012-079, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EXISTING AGREEMENT WITH SUNGARD PUBLIC SECTOR, INC. AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, October 18, 2011**

Passed in a roll call vote: Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Campbell congratulated the Parks and Recreation Department for recently receiving five awards. He also stated that the city is within \$500 of the United Way goal, noting we should be a pacesetter again this year. Lastly, he commended the Dobyns-Bennett band for doing a super job at Neyland Stadium.

B. MAYOR AND BOARD MEMBERS. Alderman Joh commented that it was Fall Break in Kingsport and invited kids to come to the carving center at Lynn View Community Center for entertainment.

Alderman Segelhorst reminded everyone of the Trunk or Treat event on Saturday, October 29th, noting safe activities for the kids will begin at 1:00 p.m. and there would also be prizes for costumes.

Vice-Mayor Parham shared a phone call he had received from former Alderman Richard Watterson, noting he had the longest tenure as an alderman, serving 24 years. He relayed that Mr. Watterson passed on his regards, noting he misses the city and appreciates the services.

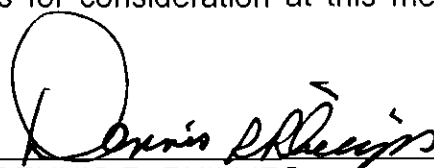
Mayor Phillips re-emphasized the United Way campaign and encouraged everyone to dig deeper. The Mayor extended condolences to the families Bobbie Stout and Don Spivey.

C. VISITORS. Mr. Bill Cook, 120 Beechwood Court, commented on the differences in the collection of city and county taxes concerning rates and due dates. Board members answered his questions and the Mayor asked the City Manager to follow up on these issues.

Mr. James Brotherton, 204 Patrick Henry Circle, commented on concerns he had in the Colonial Heights area.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:45 p.m.


ANGELA MARSHALL
Deputy City Recorder


DENNIS R. PHILLIPS
Mayor